## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

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§	CIVIL ACTION NO.
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§	SA-05-CV-0700 RF
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## ORDER DENYING MOTION TO STRIKE DEFENDANTS' JOINT JURY DEMAND (DOCKET ENTRY 127)

The matters before the Court are plaintiff's motion to strike defendants' joint jury demand and defendants' responses (docket entries 127, 130 and 138).

By his motion, plaintiff asks the Court to strike the jury demand made by defendants Ledesma and Bexar County as untimely. Plaintiff acknowledges that defendant Alanis filed a timely demand (docket entry 36). Defendants Ledesma and Bexar County respond that regardless of whether their demands were timely, once one party files an effective jury demand, the other parties may rely on same.

Defendants are correct. Generally, an effective demand by one party for trial by jury, such as defendant Alanis here, results in a jury trial for all defendants. **See Bennett v. Pippin**, 74 F.3d

578, 586-87 (5<sup>th</sup> Cir. 1996); 33 Federal Procedure L.Ed §77.117 (2004). Defendant Alanis filed a general demand for trial by jury, which entitled all defendants to rely on same. There are some exceptions to this rule, but plaintiff fails to argue their applicability here.

Finally, to the extent plaintiff requests bifurcation of jury and non-jury claims through his motion to strike, he may file an appropriate motion requesting same, with authorities which support his position.

For the above reasons, the motion to strike is ORDERED DENIED.

**SIGNED** on June 29, 2006.

NANCY STEIN NOWAK

UNITED STATES MAGISTRATE JUDGE

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